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6 Attorneys for Plaintiffs

10 UNITED STATES DISTRICT COURT

11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 BAY AREA PAINTERS AND TAPERS
PENSION TRUST FUND, et al.

13 Plaintiffs,

14 v.

15 RHODES PAINTING & DECORATING,
INC. *aka* RHODES PAINTING, a
16 California Corporation; and LANETT
FERGUSON, an Individual,

17 Defendants.

Case No.: C12-6162 MMC

**REQUEST TO CONTINUE CASE
MANAGEMENT CONFERENCE;
PLAINTIFFS' CASE MANAGEMENT
CONFERENCE STATEMENT;
~~PROPOSED~~ ORDER THEREON**

Date: ~~March 8, 2013~~

Time: 10:30 a.m.

Ctrm: 7, 19th Floor, San Francisco, CA

Judge: The Honorable Maxine M. Chesney

20 Plaintiffs herein respectfully submit their Case Management Statement, requesting that the
21 Case Management Conference, currently on calendar for March 8, 2013 be continued for 90-120
22 days.

23 1. As the Court's records will reflect, a Complaint was filed in this matter on
24 December 5, 2012, to compel Defendants' compliance with the terms of their Collective
25 Bargaining Agreement, by paying contributions known to be due and complying with a requested
26 audit.

27 2. Service on Defendants was effectuated on December 19, 2012, and a Proof of
28 Service of Summons was filed with the Court on January 2, 2013 [Dkt. No. 10].

1 3. On January 17, 2013, the Court entered the default of Defendants [Dkt. No. 12].

2 4. To date, Defendants have failed to plead or otherwise defend or appear in this
3 action.

4 5. In accordance with the Collective Bargaining Agreement to which Defendants are
5 signatory, the Trust Funds are currently conducting an audit of Defendants' records to determine
6 and confirm reporting and compliance with the Collective Bargaining Agreement to which they
7 are bound. [See also Complaint, ¶19 and Complaint, Prayer ¶2.] The audit report is expected to be
8 completed by or about the end of April 2013. Once the auditor has completed their report,
9 Plaintiffs will prepare and file a Motion for Default Judgment with the Court.

10 6. There are no issues that need to be addressed at the currently scheduled Case
11 Management Conference. In the interest of conserving costs as well as the Court's time and
12 resources, Plaintiffs respectfully request that the Case Management Conference, currently
13 scheduled for March 8, 2013, be continued for 90-120 days, or to coincide with the date to be set
14 for the Motion for Default Judgment.

15 I declare under penalty of perjury that I am the attorney for the Plaintiffs in the above
16 entitled action, and that the foregoing is true of my own knowledge.

17 Executed this 26th day of February, 2013, at San Francisco, California.

18 SALTZMAN & JOHNSON
19 LAW CORPORATION

20 By: /s/Michele R. Stafford
21 Michele R. Stafford
 Attorneys for Plaintiffs

22 IT IS SO ORDERED.

23 Based on the foregoing, and GOOD CAUSE APPEARING, the currently set Case
24 Management Conference is hereby continued to June 7, 2013, at 10:30 a.m.. All related
25 deadlines are extended accordingly.

26 Date: February 27, 2013

27 
 THE HONORABLE MAXINE M. CHESNEY
28 UNITED STATES DISTRICT COURT